

FOUTS SPRINGS YOUTH FACILITY 2008-2009 Grand Jury Report

REASON FOR INSPECTION

California Penal Code §919, subdivision (b) provides that the Grand Jury shall inquire into the condition and management of public prisons within the County (this property while not located in Solano County is under the jurisdiction of Solano County).

GRAND JURY ACTIONS

- Inspected Fouts Springs Facility on September 9, 2008
- Interviewed Fouts Springs management and educational staff
- Observed and interviewed wards (incarcerated male juveniles aged 14-18)
- Interviewed Solano County Chief of the Probation Department
- Interviewed Solano County Auditor/Controller
- Reviewed Fouts Springs Budget
- Reviewed Joint Powers Agreement, Ward Orientation Process, and Program Curriculum
- Reviewed reports and newspaper articles

BACKGROUND/INSPECTION

Fouts Springs Youth Facility (Fouts), located in the Mendocino National Forest near Stonyford in Colusa County, was established in 1959. Fouts is currently operated under a Joint Powers Agreement between Solano and Colusa Counties. The Solano County Probation Department has administrative authority over the facility.

All counties in California may contract to send male wards between the ages of 14 and 18 to Fouts who have committed serious crimes. Prior to placement, a Juvenile Court Judge reviews disposition reports submitted by the Probation Department. Factors considered when determining placement include a prior felony conviction and high community risk. Fouts is the last County placement before being placed in the Division of Juvenile Justice (DJJ) facility.

Prior to September 1, 2007, California counties were able to send juveniles convicted of any felony to the DJJ (formerly, California Youth Authority) facility. As of that date, a new State law, Senate Bill 81, took affect requiring only those youths committing the most serious crimes (murder, robbery and some sex offenses, etc.) may be incarcerated at a State facility. All other juveniles must be detained and treated at the county level.

Fouts' annual working budget is \$4,371,269. Solano County's portion of the budget is \$3,327,124. The remainder comes from other counties using the facility. Fouts' operating expenditures are currently less than the allocated budget figure. Any portion of the budget not spent is carried over to the next fiscal year. The facility is set up to be self-supporting with revenues from county placement of wards expected to cover operating expenses.

The Solano County Board of Supervisors approves Fouts' budget. The Fouts Board of Directors establishes and controls ward charge-back rates, programs, and staffing.

Fouts has the capacity to house up to 162 wards. However, Fouts' budget and staffing levels have been set to accommodate only 60 wards. Under the Joint Powers Agreement, Solano and Colusa Counties are required to pay \$6,100 per month, per ward, to reserve space for 18 wards from Solano County and two wards from Colusa County. This is in addition to the basic operating budget provided by Solano and Colusa Counties.

Solano and Colusa Counties pay \$3,900 per ward that exceeds the initial guarantee covering twenty wards from the two counties. All other counties pay a rate of \$3,900 per month, per ward. The Fouts Board of Directors established this two-tier rate system to maximize marketability.

Solano County owns the buildings and leases the land in the Mendocino National Forest from the Federal Government for \$6,250 annually. Solano County and the U.S. Department of Forestry have been discussing a possible land trade that would result in the County owning the 74-acre Fouts land in exchange for 180 acres of land known as Deafy Glade in Solano County. The County would prefer to own the Fouts land or hold a long-term lease before making capital improvements to the property. The present lease has been extended to 2030. Some capital improvement projects proposed, but not yet approved by the Solano County Board of Supervisors, include improving the water system by replacing the holding tank, main water feed lines and replacing some electrical transformers.

The facility consists of three dormitory buildings, a new administrative area, a remodeled kitchen/dining room, recreation hall, basketball courts, classrooms (including industrial arts buildings), various barns and storage buildings, an outdoor swimming pool and several acres of land for outdoor recreation. The administration complex contains office space, intake area, medical office, one holding room and a visiting area.

The staffing budget for Fouts includes a Facility Manager, 14 Group Counselors, four Senior Group Counselors, two Supervisor Group Counselors, one Registered Nurse, four culinary staff, one maintenance person and three clerical staff. Several of the wards assist in food preparation.

The staff duty cycle includes three 12-hour shifts the first week and four 12-hour shifts the following week. Due to the length of workday and remoteness of the facility, there are housing accommodations for on-duty staff.

All wards are presently housed in one of the dormitory buildings. This building also includes four special handling units, which are used to contain wards with short-term behavior problems. If the special handling units were not available, these wards might otherwise require immediate transfer to the more secure facilities at Juvenile Hall.

If a ward needs medical care that cannot be provided by the Registered Nurse, he is transported by van to Glen Medical Center in Willows or evacuated by air to Enlo Hospital in Chico. Fouts contracts with a local physicians' group in a nearby community for routine medical care.

Education

Many of the wards arriving at Fouts test at or below expected grade/age levels in reading and math. The Solano County Probation Department has a Memorandum of Understanding with the Colusa County Superintendent of Schools to operate educational programs at Fouts. Each ward is required to attend school and has the opportunity to earn his high school diploma or General

Education Diploma (G.E.D.). Clinton B. Nielson High School located at Fouts is operated under the jurisdiction of the Colusa County Office of Education, who report that 12 wards have received high school diplomas this past semester and 12 wards at Fouts also received their G.E.D.

The educational program is designed to afford each student the opportunity to achieve a substantial advancement in both academic and grade level placement. A six-hour school day, five days a week, extended school year, individualized attention, lower class size and consistent attendance enables students to reenter the public school system with a better chance for success, both academically and socially. This educational program seems to be working very well at Fouts. Students close to graduation can schedule classes to meet their graduation requirements. Diplomas are awarded to qualified graduates. Clinton B. Nielson High School is also a G.E.D. testing center. Students who have reached the age of 17 may take the G.E.D. test. Students may also receive certification from the vocational education program.

FINDINGS AND RECOMMENDATIONS

Finding 1 - While there is sufficient land and buildings to house up to 162 wards, the current configuration of the buildings and the staffing level provided by the Solano County Board of Supervisors currently allows for a maximum of 60 wards. At the time of the Grand Jury's visit, the prescribed capacity of 60 wards was participating in the program at Fouts. There is a substantial waiting list for placement at Fouts from various counties within the State of California. The key to increasing the ward population at Fouts appears to be the cost of staffing, as opposed to available buildings and land.

Recommendation 1 - The fixed costs at Fouts tend to remain the same regardless of population levels. If the facility pays for itself now with user fees, an increase in ward population would not result in any additional cost to the County and, in fact, may result in savings to the taxpayer. The fixed costs of operating the facility will remain basically the same and the income from the additional ward fees will pay for the additional staff required.

Finding 2 - Solano County has proposed capital improvements to the Fouts Springs land and buildings. There is no incentive to initiate these improvements until Solano County takes ownership of the land.

Recommendation 2 - The Solano County Board of Supervisors and the Fouts Springs Board of Directors should continue their efforts to complete the potential trade of land between Solano County and the United States Department of Forestry Services, which would allow the facility to make much-needed upgrades to the water system as well as the grounds. The Solano County Board of Supervisors should, through its legislative lobbyists, encourage the United States Congress to reintroduce legislation enabling the above-mentioned trade of properties (Deafy Glade and Fouts Springs).

COMMENTS

The Solano County Grand Jury commends the staff of Fouts Springs for continuing to operate a clean, well-run facility.

RESPONDING AND AFFECTED AGENCIES

Solano County Probation Department
Solano County Board of Supervisors
Fouts Springs Superintendent
Fouts Springs Board of Directors
Colusa County Board of Supervisors
Colusa County Superintendent of Schools

COURTESY COPIES

U.S. Senators for California
U.S. Congress Members 3rd, 7th and 10th Districts
Speaker of the House of Representatives
California State Senate President Pro-Tem
California State Senate 4th and 5th Districts
Speaker of the California Assembly
State Assembly 7th and 8th District
Solano County Administrator
City Councils of Solano County
U.S. Department of Forestry
U.S. Department of Forestry for Mendocino Reserve
Colusa County Department of Probation
Solano County Juvenile Court
Colusa County Juvenile Court